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OCT 21 2005

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Fax Transmission | October 21, 2005

TO: Commissioner for Patents  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313.1450

FROM: Robert A. Kalinsky  
OUR REF: 12929.5006USC1  
TELEPHONE: 612.336.4771

USPTO Centralized Facsimile No.: 1-571-273-8300 Total pages, including cover letter: 12.

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Title of Document Transmitted: 1. Amendment with attached Appendix including a Terminal Disclaimer.

Applicant: Henry et al.  
Serial No.: 10/761,814  
Filed: January 21, 2004  
Group Art Unit: 3749

Our Ref. No.: 12929.5006USC1  
Confirmation No.: 1001  
Customer No.: 23552

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By: Robert A. Kalinsky  
Name: Robert A. Kalinsky  
Reg. No.: 50,471  
RAK:pll

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Robert A. Kalinsky  
Signature (Robert A. Kalinsky)

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S/N 10/761,814

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Henry et al.	Examiner:	Carl D. Price
Serial No.:	10/761,814	Group Art Unit:	3749
Filed:	January 21, 2004	Docket No.:	12929.5006USC1
Customer No.:	23552	Confirmation No.:	1001
Title:	Wood Burning Stove having Pivoting Baffle and Method		

**CERTIFICATE UNDER 37 CFR 1.6(d):**

The undersigned hereby certifies that this correspondence is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2005.

By: Robert A. Kalinsky

Name: Robert A. Kalinsky

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Petitioner, HON Technology Inc., a corporation organized and existing under the laws of the State of Iowa and having its primary place of business at 414 East Third Street, Muscatine, Iowa 52761-7109, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/761,814, filed on January 21, 2005, and entitled "Wood Burning Stove having Pivoting Baffle and Method," by virtue of our assignment recorded at Reel 011854, Frame 0760.

Petitioner, HON Technology, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,688,302 B2 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,688,302 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,688,302 B2, in the event that United States Patent No. 6,688,302 B2 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: October 21, 2005

  
Name: Robert A. Kalinsky  
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